



Crl.O.P.No.27554 of 2023
and Cr.M.P.No.20030 of 2023

C.V.KARTHIKEYAN,J.

The petitioner/accused in Crime No.7 of 2023, registered by the respondent police for the offence under Section 420 of IPC, seeks anticipatory bail.

2.The petitioner is the Principal of Saptagiri Educational Institution and the defacto complainant is the Correspondent of the same institution.

3.It is the grievance expressed by the learned counsel for the petitioner that the petitioner was not paid salary for the duties discharged as Principal and that amount had accumulated to well about Rs.40,00,000/-. It is stated that therefore, a complaint had been given to the Superintendent of Police at Dharmapuri, regarding the same.

4.It is the case of the prosecution that the petitioner had collected a sum of Rs.46,00,000/- promising that students would be admitted to the said institution and it is stated that he had neither returned the said amount of Rs.46,00,000/- nor admitted the students. There is also a further aspect namely that the defacto



complainant had executed a sale deed with respect to a property in favour of the petitioner herein for a valuable consideration towards the dues payable.

5.It is contended that an agreement had been entered into between the petitioner and the defacto complainant that if the defacto complainant pays back the sum of Rs.41,00,000/-, the petitioner would re-convey the property back to the defacto complainant. It is stated that out of the said sum of Rs.41,00,000/-, a sum of Rs.25,00,000/- had been paid by RTGS to the defacto complainant and another sum of Rs.5,00,000/- had also been paid. It is stated that the balance was only Rs.11,00,000/- but however, the petitioner herein had conveyed the property to a third party. It is under those circumstances, the complaint had been lodged.

6.Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the respondent and the learned counsel for the intervenor.

7.This is an issue where, a Principal of a College is interlocked in litigation with the Correspondent of the same College. The matter should not



have spilled over to a Court of Law. The allegation is that the Principal appears to have collected a sum of Rs.46,00,000/- from the defacto complainant promising that he would canvas and get students to join in the said institution. They both have joint interest since the fees paid by the students would in turn can be paid as salary to the petitioner herein. But however, the amount was received but the students had not been brought to join in the College.

8.On the part of the defacto complainant, it is stated that a property had been conveyed to the Principal/petitioner on the promise that if the consideration is paid back, there would be re-conveyance of the property. The total consideration was determined at Rs.41,00,000/- and it is stated that a sum of Rs.30,00,000/- had been paid, out of which, a sum of Rs.25,00,000/- had actually been paid through bank transfer. But the petitioner herein had sold the property to a third party. At every turn, there appears to be lack of bonafide on the part of the petitioner herein. The entire issue requires further investigation.

9.The learned Government Advocate (Crl. Side) for the respondent had pointed out that there has been transfer of Rs.25,00,000/- through RTGS from the account of the defacto complainant to the account of the petitioner/accused



and stated that with respect to the sale of the property to the third party and with respect to other allegations, custodial interrogation is required.

10.The learned counsel for the petitioner stated that the reputation of the petitioner would be seriously affected if any adverse order is passed but being categorized as an accused itself, has put to test the reputation of the petitioner herein.

11.In view of all these facts, since investigation has to be conducted, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. Connected Criminal Miscellaneous Petition is ordered.

ata

14.02.2024

C.V.KARTHIKEYAN,J.

ata



WEB COPY



Crl.O.P.No.27554 of 2023

14.02.2024